

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GAGIK HAKOBYAN and
GEORGE KAZARYAN,

Defendants.

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8:12CR343

ORDER

This matter is before the court on the motion to continue by defendant George Kazaryan (Kazaryan) (Filing No. 49). Kazaryan seeks a continuance of the trial of this matter which is scheduled for May 6, 2013, due to the unavailability of an essential witness. Kazaryan's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Kazaryan's motion to continue trial (Filing No. 49) is granted.
2. Trial of this matter is re-scheduled for **July 15, 2013**, as to all defendants before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 8, 2013, and July 15, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case and the unavailability of an essential defense witness. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A) and (7)(A) and (B).

DATED this 8th day of April, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge